

**501.5 Art Program
Permit Code AP**

Artists may place their artwork on Caltrans' property if the applicant receives approval from the city or county, the responsible local organization(s) representing the community affected by the artwork, and the Caltrans District Director. District Transportation Art Coordinators evaluate proposals and coordinate these activities. The Office of State Landscape Architecture is responsible for managing the program. The permittee is **not** charged for Caltrans' administrative costs, staff reviews, inspection, required traffic controls, or normal maintenance work associated with Caltrans' facility or right of way.

The encroachment permit normally is issued to the local agency. Surety bonds may not be required unless the District Transportation Art Coordinator so recommends.

An encroachment permit is processed after initial approvals are secured. As a minimum, the following conditions are incorporated into the permit:

1. Artwork located within State right of way is considered a gift to the people of California.
2. Caltrans reserves the right to reproduce the artwork for publicity purposes.
3. The artwork must not be in conflict with provisions of the Outdoor Advertising Act. No form of commercial advertising on State right of way, including logos, is allowed. Any identification of the donor or sponsor must have prior approval by Caltrans.
4. The permittee must maintain the integrity of the artwork until further notice. The permittee agrees to remove the artwork if ordered to do so by Caltrans.
5. The permittee shall abide by Caltrans' safety rules and regulations, including traffic control.

(See Project Development Procedures Manual for policy and procedures pertaining to transportation art.)

**501.6 Airspace Development
Permit Code AS**

Airspace Development Permits (AS) are issued in conjunction with and under the terms of an Airspace Lease Agreement or a Telecommunication Site License Agreement for the development of usable airspace parcels within the State highway rights of way. General requirements for AS Permits and specific conditions that apply to column protection, fencing, telecommunications, and FHWA approval, on Interstate Systems, associated with airspace development are described in the sections that follow.

Functional branches involved in the processing of Airspace Lease Agreement submittals shall charge their time to their own program overhead Expenditure Authorization (E.A.).

Functional branches involved in the processing of Telecommunication Site License Agreement submittals shall charge their time to their own program overhead E.A. with the special designation of "YWSHAREDRES."

Encroachment permits are required for all airspace leases when located within the operational highway right-of-way, including park and ride lots, when significant permanent improvements are proposed for the development of usable airspace parcels. An encroachment permit may not be necessary if the proposal is outside the operational right-of-way. The encroachment permit is utilized to protect the Department's investment during construction. The permittee is responsible for coordinating all inspection activities with the R/W Airspace Manager, including notification to others that may be affected by the improvements. When construction is completed and accepted by the department's R/W representative, the encroachment permit file is finalized and closed, and then the provisions of the Lease Agreement govern the lessee's operation.

501.6A General Requirements

When an encroachment permit is required, as in the case of permanent improvements, it is issued only **after** the execution of an Airspace Lease Agreement or a Telecommunication Site License Agreement. The District Airspace Manager submits the following documents to the District Permit Office as may be necessary for the issuance of the encroachment permit:

- Encroachment Permit Administrative Route Slip Special Projects (Form TR-0154) shall be completed by the District Airspace Manager stipulating that the package is complete
- Payment and Performance Bond
- Copy of liability insurance
- Copy of building permit by local jurisdiction
- Final construction plans, including planting and irrigation plans, approved by the District Airspace Review Committee (DARC) and FHWA
- A completed encroachment permit application

The Airspace Lessee shall provide the District Airspace Manager with 6 sets of plans and specifications for new construction of curbs, gutters, utilities, lighting, driveway approaches, paving, planting and irrigation systems, and new, modified, or rehabilitated buildings. The District Airspace Manager is responsible for circulating the plans and other documents for review and approval by the functional units.

During lease negotiations, the District Airspace Manager shall meet and confer with the District Encroachment Permit Engineer to confirm the requirements between the permit's General and Special Provisions and the Airspace Lease Agreement.

An encroachment permit may not be required when the Airspace Lease Agreement allows minor modifications to existing improvements (e.g., re-paving, change in direction of parking stall striping, change in directional signs, repairs or minor modifications to irrigation system, painting building exteriors, etc.), or when the site is located off the operational highway right-of-way, because the Airspace Lease Agreement governs these activities. The lessee is required to notify the District Airspace Manager any time construction activities are proposed on the site, and occur near structural columns.

The usable airspace parcel shall not be occupied or used by the lessee until all proposed improvements are completed to the satisfaction of the department's Airspace Development

Program representative. If an encroachment permit is issued, a copy of the Progress Billing/Completion Notice is sent to the District Permit Office and a copy to the District Airspace Manager.

Upon completion of the work and acceptance by the Department, the permittee shall submit one set of film positive reproducible, either matte or clear, as-built plans to the District Permit Engineer, if an encroachment permit was issued. A full size, original quality as-built plan set shall be forwarded to Structures Maintenance.

501.6B Column Protection

Lessee's plans for column protection for Airspace Lease Agreements beneath a column-supported State structure are reviewed by Structures Maintenance. The department's representative shall ensure that the protection is placed and maintained during the authorized work or as required by Structures Maintenance.

501.6C Fencing

A standard 1.82 m (6') high chain link fence may be installed around the perimeter of the leased area with gate(s) as designated. Security may be enhanced by the installation of vertical brackets on the fence posts and attaching three strands of barbed wire to the brackets. The use of razor ribbon coils atop the fence is prohibited. An encroachment permit for new fencing is required, but not required for normal maintenance repair. The terms and conditions for maintenance are included in the Airspace Lease Agreement.

If the lessee presents plans and specifications for fencing made of materials other than chain link (e.g., masonry, wood, etc.), the District Airspace Manager will forward a copy of the DARC's comments and approval of the proposal, including comments by HQ Structures Maintenance, to the District Permit Engineer as part of the final encroachment permit package.

501.6D FHWA Approval on Interstate Systems

Airspace development plans require approval from FHWA on Interstate Systems before the encroachment permit can be issued. The District Airspace Manager is responsible for forwarding a copy of the FHWA approval to the District Permit Engineer at the time the approved plans and specifications are submitted for the issuance of the permit.

Encroachment permits for short term airspace uses such as: soil testing, Christmas tree lots, interim special event parking, donation collections, or highway contractor storage use may be issued without FHWA approval.

501.6E Encroachment Permit Application

The District Airspace Manager shall obtain a completed standard encroachment permit application from the proposed airspace lessee as part of the submittal package.

501.6F Telecommunications (Wireless)

A Site License Agreement (the equivalent to an Airspace Lease Agreement) and an encroachment permit are required to place wireless telecommunications facilities within any State highway rights of way before construction can begin. The plans and specifications shall contain a memorandum from the District Airspace Review Committee (DARC) that the proposed facility does not interfere with the Department's communications systems. The telecommunications carrier shall be in conformance with all other requirements for the issuance of an encroachment permit. If the installation of locked gates is necessary, approval shall be obtained from DARC.

Approval of wireless facilities and access to wireless facilities within controlled access rights of way is delegated to the DARC. Access to the wireless facility shall be made from outside the right of way.

- **Site Survey Permits (Pre-Construction)**

Districts may issue an annual "SV" permit to each wireless service carrier for all conventional highways within the district. A deposit equivalent to ten (10) hours of the encroachment permit hourly rate shall be collected upon submittal. If the surveying is contracted to a surveying company, a double permit ("DP") will be required.

Work within U.S. Forest Service property, other leased or prescriptive rights of way are not authorized under the department's encroachment permit, approval shall be obtained from that specific property owner by means of written permission or permit. A copy of authorization or issued permit shall also be forwarded to the District Airspace Manager.

- **Constructing Individual Wireless Sites**

The District Airspace Manager is responsible for the review process of all Lease Agreement submittals. Preliminary and final proposals are reviewed through the DARC before coordinating a detailed plan review and obtaining approval. Deviations from siting guidelines require review from the Headquarters Division of Design, Chief.

- **Future Maintenance of Facilities**

When facilities are located within the operational highway right-of-way an encroachment permit may be issued to each wireless service carrier for routine and emergency maintenance work on conventional and controlled access right-of-way within the district. The permittee shall not make additions to site facilities, change access locations, or allow attachments or modifications to their equipment that would result in use by other utility providers, as approved for construction under the Master License Agreement (MLA). Maintenance requirements in controlled access right-of-way that do not conform to the siting guidelines will require approval from the Headquarters Division of Design, Chief.

Applicants are responsible for all departmental costs associated with submittals.

501.6G Landscaping

Planting by a local entity or private developer within State highway rights of way is allowed through:

- (1) the encroachment permit process,
- (2) a departmental-administered contract that is funded partly or totally by others, or
- (3) by leasing the planting area to the owner of the abutting property (see Project Development Procedures Manual, Landscape Architecture Chapter). The preferred method for handling participation by others is through an encroachment permit and a Cooperative Agreement with the local entity (see Cooperative Agreement Manual, Forms A-1 and A-3). In this case, an Airspace Lease Agreement is not required.

An Airspace Lease Agreement may be required with the encroachment permit if the proposed project is:

- determined to be unwarranted for highway planting,
- exceeds the allowable maximum cost per hectare (adjusted annually by the Office of State Landscape Architecture),
- and improvement to the property is to the benefit of the developer.

The Airspace Lease Agreement will require the lessee to provide a plant establishment period and plant maintenance, including all water and utility costs, during the term of the lease. The District Landscape Architect will make the determination when an Airspace Lease Agreement should be used in coordination with the District Airspace Manager.

501.6H Permanent Record

The encroachment permit is a permanent record of the privilege given to the lessee to encroach upon highway rights of way to construct, occupy, and use the constructed improvements.

**501.7 Banners and Decorations
Permit Code BR**

BR permits authorize the erection of banners, decorations, and temporary signing for events by nonprofit organizations over and within State **conventional** highway right of way.

Permanent overhead signs or arches may not be erected or suspended over any State highway. Banners or decorations are not authorized within freeway or expressway right of way. Temporary political signs placed within State highway right of way are prohibited by the Business and Professions Code, Section 5405.3, and shall be removed immediately.

Authorized banners and decorations over the roadway must have a clearance of at least 18' (5.48 m) and be suspended securely from permanent structures or poles. No temporary supports are allowed and use of State facilities is prohibited.